

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DANIEL R. BAKER,)	
)	
Plaintiff,)	7:09CV3183
)	
V.)	
)	
KATANA, INC., an Iowa Corporation, and STEVEN K. ZEIBIG,)	ORDER
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion for Order Compelling Discovery and for Appropriate Sanctions ([filing 30](#)). The motion will be denied.

Plaintiff represents to the court that he served Defendants with written discovery requests on February 19, 2010, and that Defendants have failed to respond.

The progression order entered in this case ([filing 25](#)) provides that "[d]iscovery motions shall be filed not later than December 3, 2010 as to matters which are then ripe for decision; discovery matters arising after that date may be the subject of motions until the deposition deadline." ([Filing 25 at CM/ECF pp. 1-2.](#)) Based on the timeline of events, it is likely that any motion to compel related to the discovery at issue here was ripe for decision as of the December 3, 2010 deadline. Further, the deposition deadline was January 14, 2011. Plaintiff did not file this motion until May 4, 2011. Accordingly, this motion will be denied as untimely.

IT IS ORDERED that Plaintiff's Motion for Order Compelling Discovery and for Appropriate Sanctions ([filing 30](#)) is denied.

DATED June 9, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**